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SAKEENAH McCULLOUGH and
DANIEL GUNTHER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAKEENAH MCCULLOUGH and DANIEL
GUNTHER

Plaintiffs,

v.

XEROX CORPORATION, a corporation, and
DOES One through Thirty-five, inclusive,

Defendants.

Case No.: 4:13-cv-04596 JSW

**STIPULATION PURSUANT TO LOCAL
RULE 7-11 TO FILE TWO MOTIONS FOR
SUMMARY JUDGMENT AND TO EXTEND
DEADLINES**

Complaint filed: June 27, 2013
First Amended Complaint filed: July 26, 2013

Pursuant to Local Rules 7-11 and 7-12 and Judge White's Standing Order Paragraph 9, Defendant Xerox Corporation ("Defendant" or "Xerox") and Plaintiffs Sakeenah McCullough and Daniel Gunther ("Plaintiffs") (collectively referred to as the "Parties") hereby stipulate and agree as follows:

A. WHEREAS the close of discovery in this case is currently set for February 28, 2015;

B. WHEREAS dispositive motions are currently scheduled to be heard on April 17, 2015;

C. WHEREAS Defendant intends to request summary judgment against both Plaintiffs;

D. WHEREAS the Plaintiffs have disparate employment histories, different positions, different supervisors, and different legal claims;

E. WHEREAS the parties have agreed that the filing of two separate motions for summary judgment would be more efficient, avoid confusion, unfairness and prejudice between the two cases, and avoid confusion of the issues and facts at stake;

F. WHEREAS the filing of two separate motions would create additional time pressure under the standard briefing schedule for motions for summary judgment and the parties have agreed that an additional week for opposing each motion and an additional week for replying would be sufficient to alleviate any such pressure;

G. WHEREAS providing the extra week for opposition and reply with the current motion hearing date would require the motions to be filed before the close of discovery;

H. WHEREAS the Parties the parties participated in a private mediation with mediator Susan Haldeman on November 17, 2014, and the parties were unable to resolve the claims of either Plaintiff;

I. WHEREAS the Parties are diligently pursuing additional discovery following the unsuccessful mediation, including scheduling four depositions in January; and

NOW, THEREFORE, IT IS HEREBY STIPULATED BETWEEN THE PARTIES, THROUGH THEIR RESPECTIVE COUNSEL, AND AGREED AS FOLLOWS:

Subject to the approval of the Court:

1) Defendant shall be permitted to file two separate Summary Judgment motions, one directed at each Plaintiff.

2) The following changes will be made to the briefing and hearing schedules for such motions:

<u>Description</u>	<u>Current Date</u>	<u>Proposed Date</u>
Last Day to File Dispositive Motions	3/13/2015	NO CHANGE
Last Day to File Opposition to Dispositive Motions	3/27/2015	4/3/2015
Last Day to File Reply to Dispositive Motions	4/3/2015	4/17/2015
Hearing on Dispositive Motion	4/17/2015	5/1/2015
Further CMC	4/17/2015	5/1/2015

1 IT IS SO STIPULATED.
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3 Dated: January 12, 2015

MILLER LAW GROUP
A Professional Corporation

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6 By: 

Adam J. Tullman
Attorneys for Defendant
XEROX CORPORATION

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10 Dated: January 12, 2015

BOHBOT & RILES, LLP

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13 By: 

Elizabeth L. Riles
Attorneys for Plaintiffs
SAKEENAH McCULLOUGH and DANIEL
GUNTHER

[PROPOSED] ORDER

Having reviewed the Stipulation executed by Plaintiffs SAKEENAH MCCULLOUGH and DANIEL GUNTHER and Defendant XEROX CORPORATION, and good cause appearing, the Court hereby orders that:

- Defendant shall be permitted to file two separate Summary Judgment motions, one directed at each Plaintiff.
- The Court adopts the suggested briefing schedule and continues the Case Management Conference and Hearing on Dispositive motions as follows:

Description	New Date
Last Day to File Dispositive Motions	3/13/2015
Last Day to File Opposition to Dispositive Motions	4/3/2015
Last Day to File Reply to Dispositive Motions	4/17/2015
Hearing on Dispositive Motion	5/1/2015
Further CMC	5/1/2015

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 26, 2015


Hon. Jeffrey S. White
District Judge

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